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REMARKS/ARGUMENTS

Prior to the entry of this amendment, claims 1-26 were pending in this application. No claims are amended, added, or canceled herein. Therefore, claims 1-26 remain pending in the application. Applicants respectfully request consideration of these claims for at least the reasons presented below.

35 U.S.C § 103 Rejection, Grimes

The Office Action has rejected claims 1-15, 18 and 23 under 35 U.S.C. §103(a) as being unpatentable over Grimes. The Applicant respectfully submits that the Office Action does not establish a *prima facie* case of obviousness in rejecting these claims. Therefore, the Applicant requests reconsideration and withdrawal of the rejection.

In order to establish a *prima facie* case of obviousness, the Office Action must establish: 1) some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine their teachings; 2) a reasonable expectation of success of such a modification or combination; and 3) a teaching or suggestion in the cited prior art of each claimed limitation. See MPEP §706.02(j).

As will be discussed, the references cited by the Office Action do not teach or suggest each claimed limitation. For example, the references do not teach or suggest, alone or in combination, a caching server storing a copy of content distributed by an origin server or using such a caching server to determine whether a client is entitled to receive content originally distributed by the origin server. The Office Action argues that Grimes does in fact teach a caching server storing a copy of content distributed by an origin server and using such a caching server to determine whether a client is entitled to receive content originally distributed by the

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origin server. To support this argument, the Office Action points to the digital rights management (DRM) server of Grimes and seems to argues that the DRM server or another server of the NOC could be used to cache content. The Office Action cites general language stating that a backup DRM may be used to prevent downtime and that the NOC can comprise a plurality of servers. However, Grimes does not in fact teach or suggest using the DRM to cache content from the NOC or using one of the servers of the NOC to determine whether a client is entitled to receive content originally distributed by the origin server.

Grimes "is related to access to secure or restricted content, and more particularly to the management of digital rights to secure or restricted rich media and multimedia content available over high bandwidth connections." (page 1, para. 3) Grimes discloses "a method for digital rights management includes receiving content at a client computer. The content is encrypted with an encryption key. The method further includes the client computer requesting the encryption key from a digital rights management (DRM) server using a digital certificate, the DRM server receiving the request and the DRM server determining if the digital certificate is valid." (page 1, para. 10) Under Grimes, content is distributed to the client from servers of the Network Operations Center (NOC) via the Internet Service Provider (ISP) or from the ISP itself. (page 2, para. 22-25; FIG. 1;page 3, para. 29; FIG. 2B; and page 4, para. 38) The DRM server of Grimes generates and distributes keys used by the servers of the NOC to encrypt and the client to decrypt the content. (page 4, para. 40 and page 4, para. 43 - page 5, para. 45)

However, Grimes does not teach or suggest an origin server for providing program content, a caching server for storing a copy of content distributed by the origin server, or using such a caching server to determine whether the client is entitled to receive content originally distributed by the origin server. Rather, the DRM server of Grimes only generates and distributes keys used to encrypt and decrypt content supplied by other servers. Nothing in Grimes, including the general language cited by the Office Action stating that a backup DRM may be used to prevent downtime, teaches or suggests using the DRM to cache or distribute

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content. Furthermore, under Grimes, the servers supplying the content only use the keys supplied by the DRM server to encrypt the content and do nothing to check whether the client is authorized to receive the content.

Claim 1, upon which claims 2-13 depend is directed to a method for distributing program content in a network having an origin server for providing said program content, a client operable for communicating with said origin server across said network, and a caching server operable for storing a copy of said program content distributed by said origin server and recites in part "using the caching server to compare said rule to a record describing at least one entitlement characteristic of said client, wherein said at least one entitlement characteristic comprises data for use by the caching server to authenticate said client so as to determine whether said client is entitled to receive said program content before authorizing the distribution of a key to said client for decrypting said program content wherein said caching server stores a copy of said program content originally provided to said network by said origin server." Grimes does not disclose using a caching server to compare a rule to a record describing at least one entitlement characteristic of a client or authenticating the client so as to determine whether the client is entitled to receive program content. Rather, Grimes teaches a DRM server that only generates and distributes keys used to encrypt and decrypt content supplied by other servers where these servers only use the keys supplied by the DRM server to encrypt the content and do nothing to check whether the client is authorized to receive the content. For at least these reasons, claims 1-13 are distinguishable from Grimes and should be allowed.

Claim 14, upon which claims 15 and 18 depend, is directed to a method for distributing program content in a network having an origin server for providing said program content, a client operable for communicating with said origin server across said network, and a caching server operable for storing a copy of said program content distributed by said origin server and recites in part "allowing said client to request said program content from said origin server; receiving at said origin server a request from said client for said program content; and

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formatting a data record comprising an identifier to identify to the caching server said program content and said rule for said program content, the rule for use by the caching server to determine whether said client is entitled to receive said program content." Grimes does not disclose formatting a data record comprising an identifier to identify to a caching server program content and a rule for program content for use by the caching server to determine whether a client is entitled to receive said program content. Rather, Grimes teaches a DRM server that only generates and distributes keys used to encrypt and decrypt content supplied by other servers where these servers only use the keys supplied by the DRM server to encrypt the content and do nothing to check whether the client is authorized to receive the content. For at least these reasons, claims 15 and 18 are distinguishable from Grimes and should be allowed.

Claim 23 is directed to a method for distributing program content in a network having an origin server for providing said program content, a client operable for communicating with said origin server across said network, and a caching server operable for storing a copy of said program content distributed by said origin server and recites in part "receiving at the caching server a data record for said client for use in determining whether said client is entitled to said program content; receiving at the caching server a rule associated with said program content for use by said caching server so as to determine whether said client is entitled to said program content; utilizing said data record and said rule so as to determine by the caching server whether said client is entitled to said program content; and multicasting from the caching server said program content." Grimes does not disclose receiving at a caching server a data record for a client for use in determining whether said client is entitled to program content, receiving at the caching server a rule associated with said program content for use by said caching server so as to determine whether said client is entitled to said program content, and utilizing said data record and said rule so as to determine by the caching server whether said client is entitled to said program content. Rather, Grimes teaches a DRM server that only generates and distributes keys used to encrypt and decrypt content supplied by other servers where these servers only use the keys supplied by the DRM server to encrypt the content and do nothing to check whether the

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client is authorized to receive the content. For at least these reasons, claim 23 is distinguishable from Grimes and should be allowed.

35 U.S.C § 103 Rejection, Grimes in view of Press

The Office Action has rejected claims 16, 17, 19-22 and 24-26 under 35 U.S.C. §103(a) as being unpatentable over Grimes in view of Press. The Applicant respectfully submits that the Office Action does not establish a *prima facie* case of obviousness in rejecting these claims. Therefore, the Applicant requests reconsideration and withdrawal of the rejection.

As explained above, Grimes does not teach or suggest an origin server for providing program content, a caching server for storing a copy of content distributed by the origin server, or using such a caching server to determine whether the client is entitled to receive content originally distributed by the origin server. Rather, the DRM server of Grimes only generates and distributes keys used to encrypt and decrypt content supplied by other servers. Nothing in Grimes, including the general language cited by the Office Action stating that a backup DRM may be used to prevent downtime, teaches or suggests using the DRM to distribute content. Furthermore, under Grimes, the servers supplying the content only use the keys supplied by the DRM server to encrypt the content and do nothing to check whether the client is authorized to receive the content.

Press is entitled and is directed to "Secure Transfer of Identity and Privilege Attributes in an Open Systems Environment." More specifically, the cited portion of Press teaches using various symmetric and asymmetric cryptographic techniques to secure Privilege Attribute Certificates (PACs) distributed to users from an Authentication and Privilege Attribute Server. However, the cited portion of Press does not teach or suggest an origin server for providing program content, a caching server for storing a copy of content distributed by the origin server, or using such a caching server to determine whether the client is entitled to receive content originally distributed by the origin server.

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Claim 14, upon which claims 16, 17, and 19-22 depend, is directed to a method for distributing program content in a network having an origin server for providing said program content, a client operable for communicating with said origin server across said network, and a caching server operable for storing a copy of said program content distributed by said origin server and recites in part "allowing said client to request said program content from said origin server; receiving at said origin server a request from said client for said program content; and formatting a data record comprising an identifier to identify to the caching server said program content and said rule for said program content, the rule for use by the caching server to determine whether said client is entitled to receive said program content." Neither Grimes nor Press, alone or in combination, teaches or suggests formatting a data record comprising an identifier to identify to a caching server program content and a rule for the program content for use by the caching server to determine whether a client is entitled to receive program content. For at least these reasons, claims 16, 17, and 19-22 should be allowed.

Claim 23, upon which claims 24-26 depend, is directed to a method for distributing program content in a network having an origin server for providing said program content, a client operable for communicating with said origin server across said network, and a caching server operable for storing a copy of said program content distributed by said origin server and recites in part "receiving at the caching server a data record for said client for use in determining whether said client is entitled to said program content; receiving at the caching server a rule associated with said program content for use by said caching server so as to determine whether said client is entitled to said program content; utilizing said data record and said rule so as to determine by the caching server whether said client is entitled to said program content; and multicasting from the caching server said program content." Neither Grimes nor Press, alone or in combination, teaches or suggests receiving at a caching server a data record for a client for use in determining whether said client is entitled to program content, receiving at the caching server a rule associated with said program content for use by said caching server so as to determine whether said client is entitled to said program content, and utilizing said data record

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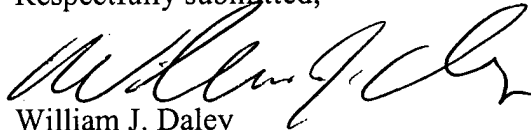Examining Group 2136

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and said rule so as to determine by the caching server whether said client is entitled to said program content. For at least these reasons, claims 24-26 should be allowed.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

William J. Daley
Reg. No. 52,471

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 303-571-4321

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